

769-222 Div. 2



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**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant: Ausnit Customer No. 29540

Serial No.: 10/040,117

For: **PROCESS AND APPARATUS FOR FORMING  
PACKAGING BAGS WITH A FASTENER**

Filed: January 4, 2002

Examiner: Sipos

Art Unit: 3721

Pitney Hardin LLP  
7 Times Square  
New York, New York 10036-7311

**PETITION UNDER RULE 78(a)(3) TO ACCEPT  
UNINTENTIONALLY DELAYED PRIORITY CLAIM**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

SIR:

Patentee respectfully petitions for the acceptance of an unintentionally delayed

I hereby certify that this correspondence is being deposited  
with the United States Postal Service as first class mail in  
an envelope addressed: Commissioner of Patents and Trademarks,  
P.O. Box 1450, Alexandria, VA 22313-1450 on October 6, 2004

Ronald E. Brown

Attorney

  
Signature

October 6, 2004

Date of Signature

The Commissioner is hereby authorized to charge any additional  
fees which may be required, or credit any overpayment to  
Account No. 50-1145, Order No. 099998.000069.

priority claim to include U.S. patent application serial no. 09/633,944, filed August 8, 2000 and which was pending on January 4, 2002 (the filing date of this application). This priority was originally requested on December 23, 2002 as shown in the attached copy of the Preliminary Amendment

It is respectfully submitted that said Preliminary Amendment provides the reference to the prior-filed application under 35 U.S.C. §120, as required by Rule 78(a)(3)(i)

The surcharge set forth in Rule 17(t) as required by Rule 78(a)(3)(ii) may be charged to Deposit Account No. 50-1145, Order No. 099998.000069.

In accordance with Rule 78(a)(3)(iii), patentee states that the entire delay between the date the claim was due under Rule 78(a)(2)(ii) and the date the claim was filed was unintentional.

Respectfully submitted,



Gerald Levy  
Registration No. 24,419

Ronald E. Brown  
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789-222 Div 2 (ITW 8542.02)

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2004

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Steven Ausnit

Serial No.: 10/040,117

Filed: January 04, 2002

For: **PROCESS AND APPARATUS FOR FORMING  
PACKAGING BAGS WITH A FASTENER**

Art Unit: 3721

Examiner: (not yet assigned)

Pitney, Hardin, Kipp & Szuch LLP  
685 Third Avenue  
New York, New York 10017

**COPY**

PRELIMINARY AMENDMENT

Assistant Commissioner for Patents  
Washington, D.C. 20231

SIR:

Prior to any action in above-identified application, kindly amend the application as follows:

In the Specification:

Kindly rewrite the **CROSS REFERENCE TO RELATED APPLICATIONS** portion of the application as follows:

This application is a division of U.S. Patent Application Serial No. 09/633,944, filed on August 08, 2000, which is a division of U.S. Patent Application Serial No. 09/292,256, filed on April 15, 1999 and abandoned.

REMARKS

The present amendment is being submitted to clarify the chain of copendency of the present application with that of the parent application. Accordingly, the specification has been amended with a marked-up version which is included in a section attached hereto. In the amended specification, the words between brackets are being removed, and the underlined words are being added, which places the amended specification into the form given above. The attached section is captioned VERSION WITH MARKINGS TO SHOW CHANGES MADE.

**COPY**

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Respectfully submitted,

Michael P. Stanley

Gerald Levy  
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Attorneys for Applicant

I hereby certify that this paper is being deposited on December 23, 2002 with the U.S. Postal Service under Express Mail Label No. EV 091969358 US addressed to Assistant Commissioner for Patents; Washington, DC 20231

Michael P. Stanley  
Michael P. Stanley

12/23/02  
Date

**VERSION WITH MARKINGS TO SHOW CHANGES MADE**

**In the Specification:**

In the **CROSS REFERENCE TO RELATED APPLICATIONS** portion of the application:

This application is a division of U.S. Patent Application Serial No. 09/633,944, filed on August 08, 2000, which is a division of U.S. Patent Application [serial number] Serial No. 09/292,256, filed on April 15, 1999 and abandoned.

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